

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A method of retrieving possibly  
fragmented data requested by a host from a first memory divided  
into allocation units, and for supplying said retrieved data as a  
data stream, characterized in that the method comprises the steps

of:

~~(a)~~ preliminary to retrieving the requested data, determining  
in which allocation units of the first memory the requested data is  
stored;

~~(b)~~ searching a list of references to defective allocation  
units of the first memory to determine whether the list comprises  
contains a reference to at least one of the allocation units  
determined in the previous-preceding step;

~~(c)~~ when a reference to at least one allocation unit  
determined in the first-determining step is comprised-contained in  
the list, storing, as a first part of the requested data, the data  
stored in the at least one allocation unit in a second memory; and

~~(d)~~ retrieving the requested data, wherein by retrieving the  
first part of the requested data is-retrieved from the second  
memory and retrieving a second part of the requested data is  
retrieved from the first memory, the second part of the requested  
data being complementary to the first part of the requested data,  
and supplying the first and second parts as a data stream,

wherein the first memory has a nominal data retrieval rate and the list is built up by using a method comprising the steps of:

- 25 | ~~(a)~~ monitoring an average retrieval rate with which data is  
retrieved from the first memory;
- | ~~(b)~~ determining whether the average retrieval rate drops below  
the nominal data retrieval rate;
- | ~~(c)~~ when the average retrieval rate drops below the nominal  
30 | data retrieval rate, determining a part of the data of which  
retrieval causes the drop of the average retrieval rate; ~~and~~
- | ~~(d)~~ adding to the list a reference to the allocation units in  
which data is stored of which the retrieval causes the drop of the  
average retrieval rate.

2. (Cancelled).

3. (Currently Amended) The method as claimed in claim 1,  
wherein the list comprises references to re-assigned allocation  
units.

4. (Currently Amended) The method as claimed in claim 1,  
wherein the requested data is stored in fragments in the first  
memory and the list comprises references to a predetermined number  
of allocation units of each fragment.

5. (Currently Amended) The method as claimed in claim 1, wherein the list comprises references to allocation units from which data cannot be retrieved in one read operation.

6. (Currently Amended) The method as claimed in claim 1, wherein the data is a stream of audio-visual data and the file is retrieved in a sequence dictated by the host.

7. (Currently Amended) An apparatus for retrieving possibly fragmented data requested by a host from a first memory, and for supplying said retrieved data as a data stream, the apparatus comprising:

5 A first memory divided into allocation units, said first memory having a nominal data retrieval rate;

~~(a) means for receiving data from the first memory, the first memory being divided into allocation units;~~

~~(b) a second memory; and~~

10 ~~(c) a central processing unit;~~

characterized in that the central processing unit is programmed to:

~~(d) preliminary to retrieving the requested data, determine in which allocation units in the first memory the requested data is stored;~~

15 ~~(e) search a list of references to defective allocation units of said first memory to determine whether the list comprises contains a reference to at least one of the allocation units in which the requested data is stored, and~~

~~(f)~~ when at least one allocation unit in which the requested data is stored is ~~comprised~~ contained in the list, store the data stored in the at least one allocation unit in a ~~the~~ second memory; and

~~(g)~~ retrieve the requested data, ~~wherein by retrieving a first part of the requested data stored in the second memory is retrieved from the second memory and retrieving a second part of the requested data is retrieved from the first memory, the second part of the requested data being complementary to the first part of the requested data, and supply the first and second parts as a data stream,~~

~~wherein the first memory has a nominal data retrieval rate and the list is built up by the central processing unit by:~~

~~(a)~~ monitoring an average retrieval rate with which data is retrieved from the first memory;

~~(b)~~ determining whether the average retrieval rate drops below the nominal data retrieval rate;

~~(c)~~ when the average retrieval rate drops below the nominal data retrieval rate, determining a part of the data of which retrieval causes the drop of the average retrieval rate; and

~~(d)~~ adding to the list a reference to the allocation units in which data is stored of which the retrieval causes the drop of the average retrieval rate.

8. (Currently Amended) The apparatus as claimed in claim 7, wherein the first memory is a harddisk drive system and second memory is a solid-state memory.

9. (Cancelled).